February 07, 2005

PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid QMB control number. Application Number 08/791,240 Filing Date January 30, 1997 TRANSMITTAL First Named Inventor Alexander RYNCARZ **FORM** Art Unit 1634 Examiner Name B. Sisson (to be used for all correspondence after initial filling) Attorney Docket Number USAV2001/0133 US PCT Total Number of Pages In This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer below): Extension of Time Request RESPONSE TO NOTICE OF Request for Refund Express Abandonment Request NON-COMPLIANT AMENDMENT (37 CFR 1.121) - 19 pages CD. Number of CD(s) __ Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name AVENTIS PHARMACEUTICALS INC. Signature Printed name Joel B. German Reg. No. 48.676 Date February 07, 2005 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Total No. of Pages Transmitted: 20 the date shown below: (USPTO FAX NO. (703) 872-9306 Signature Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and automitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form antitor suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of A. RYNCARZ

Application No.: 08/791,240

Filed:

January 30, 1997

Title:

POSITIVE CONTROLS IN

POLYNUCELOTIDE AMPLIFICATION

Examiner:

B. SISSON

Art Unit:

1634

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February 7, 2005

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

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This is a reply, originally filed November 21, 2002, to an Office Action of May 22, 2002. The Office lost that reply but subsequently found it; a petition decision of September 7, 2004 states that the reply is now part of the file of this application. The purpose of this paper is to format the reply in a manner consistent with current amendment practice and to respond to the Notice of Non-Compliant Amendment of January 6, 2005.

Please amend this application as follows:

Please amend the Claims as set forth in the listing of claims beginning on page 2.

Please enter and consider the Remarks beginning on page 12.